

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JAMES A. WILSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 05-399-JJF
	)	
STANLEY TAYLOR, et al.,	)	
	)	
Defendants.	)	

**STATE DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME**

COME NOW Defendants, by and through undersigned counsel, and respectfully moves this Honorable Court to enter an Order granting an enlargement of fifteen days within which to file a Reply to Plaintiff's Answer to the motion to dismiss. In support of this motion, Defendants offer the following:

1. On October 24, 2005, Plaintiffs filed their Second Amended Complaint. (D.I. 24).
2. Between January 10, 2006 and January 17, 2006, Defendants signed and returned Waivers of Service with an answer due on December 19, 2005. (D. I. 43-47, 50).
3. Defendants responded with a Motion to Dismiss on April 18, 2006. (D.I. 80).
4. Defense counsel anticipated being able to file a reply by May 12, 2006. The Plaintiff's answer appears to bring some new or expanded allegations, and requires some data collection in order to respond appropriately. Information has been requested but has not arrived as of today, May 12, 2006.
5. There is no trial date scheduled in this case.
6. Defendants anticipate being able to file their Reply by May 26, 2006.

WHEREFORE, for the reasons stated herein, Defendants respectfully requests that the

Court grant their Motion for Enlargement of Time and enter an order in the form attached hereto, with the appropriate dates provided at the Court's discretion.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi  
Deputy Attorney General  
820 N. French Street, 6th floor  
Wilmington, DE 19801  
(302) 577-8400  
lisa.barchi@state.de.us

Date: May 12, 2005

Attorney for Defendants

**IN THE UNITED STATES DISTRICT COURT  
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JAMES A. WILSON, et al.,	)	
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	)	
STANLEY TAYLOR, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This \_\_\_\_\_ day of \_\_\_\_\_, 2006,

**WHEREAS**, Defendants having requested an enlargement of time of fifteen days in which to file an answer; and

**WHEREAS**, there being good cause shown for the granting of such motion;

**IT IS HEREBY ORDERED**, that State Defendant's Motion for Enlargement of Time be granted and said Defendants shall file a reply brief on or before \_\_\_\_\_.

\_\_\_\_\_  
Joseph J. Farnan, Jr.  
United States District Court Judge

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	)	
STANLEY TAYLOR, et al.,	)	
	)	
Defendants.	)	

**16.5 CERTIFICATE OF COUNSEL**

In compliance with Local Rule of Civil Procedure 16.5, counsel for the Defendants making the request for enlargement of time to file a reply brief files this Certificate and states:

I certify that the State Defendants have been provided with copies of the Motion for Enlargement of Time and that service has been sent by regular mail.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi  
Deputy Attorney General  
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Wilmington, DE 19801  
(302) 577-8400  
lisa.barchi@state.de.us  
Attorney for Defendants

Date: May 12, 2006

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STANLEY TAYLOR, et al.,	)	
	)	
Defendants.	)	

**7.1.1 CERTIFICATE OF COUNSEL**

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1, that:

1. The plaintiffs are an inmate incarcerated in the Delaware Correctional system, at the Sussex Correctional Center, in Georgetown, Delaware.
2. Since the plaintiffs are not able to be reached by telephone, counsel for Defendants has spent no time in attempting to reach an agreement on the subject of the motion for enlargement of time.
3. She assumes that the motion is opposed.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi  
Deputy Attorney General  
820 N. French Street, 6th floor  
Wilmington, DE 19801  
(302) 577-8400  
lisa.barchi@state.de.us

Date: May 12, 2006

Attorney for Defendants

***CERTIFICATE OF MAILING AND/OR DELIVERY***

I hereby certify that on May 12, 2006 I electronically filed *Defendants'*

*Motion for Enlargement of Time* with the Clerk of Court using CM/ECF. I have mailed by

United States Postal Service, the document to the following non-registered participants:

Eldon Potts, Inmate  
SBI # 211193  
Sussex Correctional Institution  
Post Office Box 500  
Georgetown, DE 19947

George A. Jackson, Inmate  
SBI # 171250  
Sussex Correctional Institution  
Post Office Box 500  
Georgetown, DE 19947

Frank Williams, Inmate  
SBI # 261867  
Sussex Correctional Institution  
Post Office Box 500  
Georgetown, DE 19947

Jerome Green, Inmate  
SBI # 147772  
Sussex Correctional Institution  
Post Office Box 500  
Georgetown, DE 19947

Howard Parker, Inmate  
SBI # 165324  
Sussex Correctional Institution  
Post Office Box 500  
Georgetown, DE 19947

Jose Serpa, Inmate  
SBI # 350322  
Sussex Correctional Institution  
Post Office Box 500  
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James Johnson, Inmate  
SBI # 155123  
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Anthony Morris, Inmate  
SBI # 300363  
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Roderick Brown, Inmate  
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James A. Wilson, Inmate  
SBI # 163663  
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Nathan Henry, Inmate  
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**STATE OF DELAWARE  
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Attorney for Defendants